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City of
Santa Monica®

Lane Dilg
Interim City Manager

Office of the City Manager
1685 Main Street
PO Box 2200
Santa Monica, CA 90407-2200

FIFTH SUPPLEMENT TO THE EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, on May 30, 2020, the City Manager, in her role as the Director of Emergency Services, ("Director of Emergency Services") proclaimed the existence of a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability of mutual aid and an effective response to the violence surrounding the protests concerning the tragic death in Minnesota of George Floyd, as demonstrated by the violence that has occurred in connection with protests in the neighboring City of Los Angeles; and

WHEREAS, on May 30, 2020, the Cities of Los Angeles, Beverly Hills, Culver City, and West Hollywood determined that in response to the violence surrounding the protests, and the threats posed to the public, and public and private property, by such violence, it was necessary to impose, and they imposed, curfews restricting the use of public streets, avenues, alleys, parks, and other public place, as well as unimproved private real property between the hours of 8:00 pm and 5:30 am; and

WHEREAS, on May 30, 2020, the Director of Emergency Services issued a First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency imposing a curfew in the City of Santa Monica from 8:00 pm on May 30, 2020 through 5:30 am on May 31, 2020; and

WHEREAS, in the afternoon and evening of May 30, 2020, protests in Los Angeles and Beverly Hills were accompanied by looting and violence;

WHEREAS, on May 31, 2020, the Director of Emergency Services issued a Second Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency imposing a curfew in the City of Santa Monica from 4:00 pm on May 31, 2020 through 5:30 am on June 1, 2020; and

WHEREAS, a peaceful protest was conducted in Santa Monica on the afternoon of May 31, but while the peaceful protest was ongoing there occurred extensive looting in stores located in Santa Monica, with windows and doors broken in large numbers of stores in the downtown business district, nine fires set in buildings and vehicles in and around the downtown business district, police assistance from neighboring jurisdictions needed to assist in addressing the violence and looting, and the National Guard arriving to provide additional assistance; and

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WHEREAS, more protests were scheduled for June 1 in Santa Monica and the communities surrounding Santa Monica, the threat of violence surrounding the protests that justified the imposition of a curfew on May 30 and 31 remained in place, the County of Los Angeles imposed a curfew from 6:00 pm to 6:00 am indefinitely, and the City of Beverly Hills imposed a citywide curfew starting at 1:00 pm on June 1 in anticipation of expected protests there; and

WHEREAS, on June 1, 2020, the Director of Emergency Services issued a Third Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency imposing a curfew in the City of Santa Monica from 1:30 pm on June 1, 2020 through 5:30 am on June 2, 2020; and

WHERESA, on June 1, 2020, despite enhanced police presence and patrols, violence and looting occurred in Van Nuys and Hollywood; and

WHEREAS, on June 2, 2020, the threat of violence surrounding the protests that justified the imposition of a curfew on May 30 and 31 and June 1 remained in place, the County of Los Angeles's curfew from 6:00 pm to 6:00 am remained in place, and the City of Beverly Hills again imposed a citywide curfew starting at 1:00 pm; and

WHEREAS, on June 2, 2020, the Director of Emergency Services issued a Fourth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency imposing a curfew in the City of Santa Monica from 2:00 pm on June 2, 2020 through 5:30 am on June 3, 2020; and

WHEREAS, on June 3, 2020, Los Angeles County modified its countywide curfew to run from 9:00 pm to 5:00 am; and

WHEREAS, on June 3, 2020, both Beverly Hills and Culver City maintained curfews set to begin at times earlier than 9:00 pm, with Beverly Hills imposing a 1:00 pm curfew start time for its business district and a 4:00 pm curfew start time citywide and Culver City imposing a 6:00 pm curfew start time citywide; and

WHEREAS, in consultation with the Chief of Police, in light of planned peaceful protests in areas within the City of Los Angeles near Santa Monica and intelligence indicating that there remains a threat of violence and looting surrounding these protests, the need to protect the safety of the public, and public and private property, within the City of Santa Monica, requires the imposition of a curfew within the City of Santa Monica at an earlier time than 9:00 pm; and

WHEREAS, California Government Code 8634 empowers the City to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety; and

WHEREAS, in the interest of public order and safety, as affected by the emergency caused by the violence surrounding the protests concerning the tragic death in Minnesota of George Floyd, it is necessary to exercise my authority pursuant to Section 2.16.060 of the Santa Monica Municipal Code to issue this order imposing a curfew related to the protection of life and property.

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NOW, THEREFORE, I, Lane Dilg, the Director of Emergency Services for the City of Santa Monica, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

1. A curfew is hereby imposed in the City of Santa Monica.

2. Pursuant to the curfew, no persons shall be upon the public streets, avenues, alleys, parks, ways, or any other public place or upon unimproved private real property in the City of Santa Monica between the hours of 6:00 pm on June 3, 2020 and 5:00 am on June 4, 2020.

3. The law enforcement personnel of this City along with other law enforcement authorities cooperating with the City are hereby authorized and charged to the extent provided by law with the responsibility of enforcing this curfew, and are further authorized to arrest any such person as does not obey this curfew after due notice, oral or written, has been given to that person.

4. A violation of the curfew shall be punishable as a misdemeanor pursuant to Section 2.16.100(2) of the Santa Monica Municipal Code.

5. The curfew shall also be enforceable through the issuance of administrative citations in accordance with Chapter 1.09 of the Santa Monica Municipal Code. Pursuant to Section 1.09.040 of the Santa Monica Municipal Code, the amount of the fine for a violation of the curfew shall be up to a maximum of $1,000 per violation. Administrative citation may be issued by and City Officer or employee granted authority to issue written notices to appear pursuant to Santa Monica Municipal Code Section 3.36.090.

6. Law enforcement personnel, firefighting personnel, emergency health care providers, civilians engaged in police or emergency work, individuals traveling to and from work, individuals traveling to and from medical appointments or to seek medical care, and representatives of the media are exempt from this Order.

7. This Order shall take effect immediately and shall remain in effect until June 4, 2020, unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services.

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8. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. The Interim City Manager hereby declares that she would have issued this Executive Order, and any Supplement or Revised Supplement to this Executive Order, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

ADOPTED this 3rd day of June 2020.

By: DocuSigned by: FEC6DBA8A0D3460...

LANE DILG
Interim City Manager
Director of Emergency Services

ATTEST:

DocuSigned by: Denise Anderson-Warren E2F85B056A714C3...

DENISE ANDERSON-WARREN
City Clerk

APPROVED AS TO FORM:

DocuSigned by: George S. Cardona ECB444B01A56432...

GEORGE S. CARDONA
Interim City Attorney